

1 RICHARD R. PATCH (State Bar No. 88049)
 2 CLIFFORD E. YIN (State Bar No. 173159)
 3 CRISTA WELCH (State Bar No. 312582)
 COBLENTZ PATCH DUFFY & BASS LLP
 4 One Montgomery Street, Suite 3000
 San Francisco, California 94104-5500
 Telephone: 415.391.4800
 Facsimile: 415.989.1663
 5 Email: ef-rrp@cpdb.com
 ef-cey@cpdb.com
 6 ef-cnw@cpdb.com

7 Attorneys for Defendant
 DISH NETWORK L.L.C.

8
 9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**
 11 **OAKLAND DIVISION**

12 NARCISO FUENTES, individually, on behalf
 13 of others similarly situated, and on behalf of
 the general public,

14 Plaintiff,

15 v.

16 DISH NETWORK, L.L.C.; and DOES 1
 17 through 50, inclusive,

18 Defendants.

Case No. 4:16-cv-02001-JSW

**DECLARATION OF CLIFFORD E. YIN
 IN SUPPORT OF DEFENDANT DISH
 NETWORK L.L.C.'S OPPOSITION TO
 PLAINTIFF'S MOTION FOR CLASS
 CERTIFICATION**

*Filed Concurrently with Defendant's
 Opposition To Plaintiff's Motion For Class
 Certification*

Hearing Date: March 5, 2021
 Hearing Time: 9:00 a.m.
 Crtm.: 5, 2nd Floor
 Judge: Hon. Jeffrey S. White

20
 21 **DECLARATION OF CLIFFORD E. YIN**

22 I, Clifford E. Yin, declare as follows:

23 1. I am an attorney duly admitted to practice before this Court. I am a partner of
 24 Coblentz Patch Duffy & Bass LLP, attorneys of record for Defendant DISH Network L.L.C.
 25 ("DISH"). I submit this declaration in support of DISH's Opposition to Plaintiff Narciso Fuentes'
 26 Motion for Class Certification. I have personal knowledge of the facts set forth herein, except as
 27 to those stated on information and belief and, as to those, I am informed and believe them to be
 28 true. If called as a witness, I could and would competently testify to the matters stated herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of excerpts of the December 3, 2020 and December 21, 2020 depositions of Plaintiff Narciso Fuentes and corresponding Deposition Exhibit Nos. 33, 34, 41, 42, 58, 64, 65, and 67.

3. Attached hereto as **Exhibit B** is a true and correct copy of excerpts of the September 25, 2020 deposition of Mark Vervae.

4. Attached hereto as **Exhibit C** is a true and correct copy of excerpts of the September 23, 2020 deposition of Megan Casados.

5. Attached hereto as **Exhibit D** is a true and correct copy of excerpts of the October 13, 2020 deposition of Paul W. Orban.

6. Attached hereto as **Exhibit E** is a true and correct copy of Plaintiff's Demand for Arbitration, filed February 20, 2018.

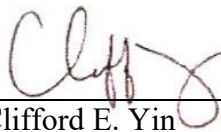
7. Attached hereto as **Exhibit F** is a true and correct copy of Plaintiff's Motion to Determine Arbitrability of Claim and Enforceability of Clause, filed on September 19, 2018.

8. Attached hereto as **Exhibit G** is a true and correct copy of the Arbitrator Findings of Fact and Ruling on Claimant's Motion to Determine Arbitrability of Claim and Enforceability of Clause, issued December 11, 2018.

9. Attached hereto as **Exhibit H** is a true and correct copy of the Order of Dismissal of Arbitration, dated January 9, 2019.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 5th day of February, 2021, at San Francisco, California.



Clifford E. Yin